

AUG 26 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 09-90175 and 09-90176

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, has filed a misconduct complaint against two district judges, one of whom served as a magistrate judge during the relevant period. Complainant previously filed two materially identical complaints, which I dismissed. In re Complaint of Judicial Misconduct, No. 08-90133 (9th Cir. Jud. Council 2009); In re Complaint of Judicial Misconduct, No. 07-89114 (9th Cir. Jud. Council 2008). The Judicial Council affirmed both dismissals. Because the current complaint raises the same allegations as the prior complaints, it is summarily dismissed.

In my order dismissing complainant's last misconduct complaint, I cautioned that a "complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints." In re Complaint of Judicial Misconduct, No. 08-90133 (quoting Judicial-Conduct Rule 10(a)). Complainant is therefore ordered to

show cause why he should not be sanctioned by an order requiring him to obtain leave or post a bond before filing any further misconduct complaints. See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009). Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.